

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-293-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO, LTD;)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,)	
INC.; SAMSUNG SEMICONDUCTOR)	<div style="background-color: black; width: 150px; height: 1.2em;"></div>
INC.,)	
)	
Defendants.)	

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-294-JRG
vs.)	
)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;)	
MICRON SEMICONDUCTOR)	
PRODUCTS, INC.; MICRON)	
TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

**DECLARATION OF YANAN ZHAO IN SUPPORT OF NETLIST, INC.'S
OPPOSITION TO SAMSUNG'S MOTION TO COMPEL A COMPLETE
RESPONSE TO SAMSUNG'S DAMAGES INTERROGATORY (DKT. 176)**

I, Yanan Zhao, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and the State Bar of Texas and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist’s Opposition to Samsung’s Motion to Compel a Complete Response to Samsung’s Damages Interrogatory. Unless otherwise indicated, I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Netlist served the report of David Kennedy on the Samsung defendants in the *Samsung I* case, which involved the same Samsung defendants as the present litigation. Samsung was represented by the same counsel, Fish & Richardson PC and Gillam & Smith, LLP. Samsung cross-examined Mr. Kennedy on the basis of that report through its counsel Fish & Richardson PC both at deposition and at trial. Netlist has now produced this report again as part of the above captioned litigation.

3. Netlist has produced documents potentially relevant to the measure of damages in this case including Netlist sales data, Netlist financial data, Netlist SEC filings, and Netlist license agreements on or before February 21, 2023.

4. Attached as **Exhibit A** is a true and correct copy of an excerpt of Netlist’s third supplemental responses to Samsung’ Second Set of Interrogatories, including interrogatory No. 8, which was dated October 6, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on October 26, 2023, in Los Angeles, California.

By /s/ Yanan Zhao
Yanan Zhao